

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**WP(C).No. 239 of 2010(D)**

**1. U. MOOSANKUTTY, S/O. USSANAR,  
... Petitioner**

**Vs**

**1. STATE INFORMATION COMMISSION,  
... Respondent**

**2. THE PUBLIC INFORMATION OFFICER/**

**For Petitioner :SRI.JOHN JOSEPH(ROY)**

**For Respondent :SRI.M.AJAY, SC, STATE INFORMATION COMMN**

**The Hon'ble MR. Justice S.SIRI JAGAN**

**Dated :17/05/2010**

**O R D E R**

**S. Siri Jagan, J.**

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**W.P(C) No. 239 of 2010**

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**Dated this, the 17th day of May, 2010.**

**J U D G M E N T**

The petitioner filed Ext. P1 application before the 2nd respondent under the Right to Information Act on 21-10-2008. But, the information requested for by the petitioner was not supplied to the petitioner. The petitioner approached the appellate authority first and then the 1st respondent. Before the 1st respondent under the cover of Ext. P7, the 2nd respondent furnished the information, which was far beyond the period prescribed by the Right to Information Act. The petitioner's grievance in this writ petition is that despite being aware of the violation by the 2nd respondent, the 1st respondent has not taken any action against the 2nd respondent to impose penalty for delayed supply of information requested for, which was a duty cast upon the 1st respondent whenever such transgressions by information officers

are noticed by the 1st respondent.

2. I have heard counsel for the petitioner, counsel for the 1st respondent and the counsel for the 2nd respondent.

3. I am not inclined to go into the controversy on merits in this writ petition. However, I am of opinion the petitioner is entitled to have his grievance considered by the 1st respondent in accordance with law. Therefore, the writ petition is disposed of with the following directions:

The petitioner shall file a petition before the 1st respondent seeking action against the 2nd respondent for delayed supply of information requested for, within a period of three weeks along with a certified copy of this judgment. On receipt of the same, the 1st respondent shall consider the same and pass orders in accordance with law, after affording an opportunity of being heard to the petitioner as well as the 2nd respondent as expeditiously as possible, at any rate, within two months from the date of receipt of the petition filed by the petitioner. I make it abundantly clear that I have not considered the contentions of the parties on merits and it is entirely for the 1st respondent to consider every aspect of the matter in accordance with law.

Sd/- S. Siri Jagan, Judge.

Tds/